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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,086	12/01/2003	Kiyoyuki Narimatsu	117922	1388

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 OLIFF & BERRIDGE, PLC  
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EXAMINER

NATNITHITHADHA, NAVIN

ART UNIT PAPER NUMBER

3736

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8W

<b>Office Action Summary</b>	<b>Application No.</b> 10/724,086	<b>Applicant(s)</b> NARIMATSU, KIYOYUKI	
	<b>Examiner</b> Navin Natnithithadha	<b>Art Unit</b> 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-7 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12012003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claim 2 is objected to because of the following informalities:

In line 17, "and waveform pattern" should be amended to - - and a waveform pattern - - in order to make the phrase grammatically correct. Appropriate correction is required.

2. Claim 3 is objected to because of the following informalities:

In lines 4-5, "and waveform pattern" should be amended to - - and the waveform pattern corresponding to degree of arteriosclerosis - - in order to make the limitation more clear and provide proper antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Chio, US 4,880,013 A.

In regards to claim 1, Chio discloses an apparatus for determining blood pressure and cardiovascular condition (see abstract), comprising: an inflatable cuff 10 (see col. 7, line 67); a pump means (cuff-pressure changing device) (see col. 8, lines 1-

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2); a transducer means (cuff-pulse-wave detecting device) 16 (see col. 7, line 53); and an graphic display (output device) 42 (see figs. 1 and 7). In Figure 7, Shimazu discloses a curve or pulse signal (pulse wave) 240, which is measured at a cuff pressure greater than the patient's systolic pressure, or suprasystolic cuff pressure (see col. 19, lines 11-15 and col. 19, line 65 to col. 20, line 14).

4. Claims 2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimazu et al, US 5,961,467 A.

In regards to claims 2 and 4-7, Shimazu discloses a cardiovascular observation apparatus (see fig. 1), comprising: a cuff 10 (see col. 9, line 32); a pump (cuff-pressure changing device) 14 (see col. 9, line 65); a pressure sensor (cuff-pulse-wave detecting device) 12 (see col. 9, line 64 and col. 10, lines 1-8); a pattern judging means (waveform-pattern determining means) 33 judging to which one or more reference pattern groups of a plurality of reference pattern groups, which includes arteriosclerosis, shown in Figure 7 the measurement pattern belong (see col. 13, lines 20-30 and fig. 7); a ROM (memory) which stores a plurality of parameters pertaining to the reference pattern groups in Figure 7 (see col. 10, lines 19-21); and a display (output device) 70. Shimazu teaches measuring a cuff pulse pattern when the cuff pressure change is higher than the systolic blood pressure to a pressure lower than the diastolic blood pressure (see col. 6, lines 25-42) and detecting small pulse waves 2a, 2b (high-frequency component of pulse wave) at high cuff pressures (above systolic pressure).

The predetermined relationship taught by Shimazu is between the pulse wave amplitude (see fig. 6B) and the reference pattern (see fig. 7).

### ***Allowable Subject Matter***

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 3, neither Shimazu nor Chio teaches a waveform-pattern determining means for determining a waveform pattern according to a predetermined relationship between respective forms of percussion and tidal waves of pulse wave, and the waveform pattern corresponding to the degree of arteriosclerosis. Shimazu teaches the predetermined relationship between the pulse wave amplitude and the reference waveform pattern.

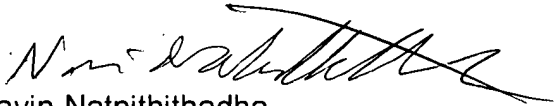
### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navin Natnithithadha  
Patent Examiner  
GAU 3736  
March 18, 2005



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